

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

IN RE: PHARMACEUTICAL INDUSTRY
AVERAGE WHOLESAL PRICE LITIGATION

MDL NO. 1456

CIVIL ACTION: 01-CV-12257-PBS

THIS DOCUMENT RELATES TO:

State of Arizona v. Abbott Labs., Inc., et al.,
Cause No. 1:06-CV-11069-PBS

MOTION FOR DISMISSAL OF DEY, INC. WITH PREJUDICE

By and through their counsel, the State of Arizona (“State”), pursuant to Fed. R. Civ. P. 41(a)(2), moves for an Order of the Court dismissing defendant Dey. In support of this motion, the State states as follows:

1. Dey, was name a defendant in the above-referenced action.
2. The State of Arizona has entered into a Settlement Agreement and Release (“Agreement”) with Dey. Pursuant to the terms of the Agreement, the State seeks to dismiss all claims asserted by it against Dey.
3. Pursuant to the Agreement, Dey and the State have agreed that each will bear its own legal and other costs incurred in connection with the lawsuit.
4. The dismissal has no effect on the State of Arizona’s claims or allegations against any party other than Dey in this action.
5. Dey consents to this motion.

WHEREFORE, the parties jointly request that the Court enter an Order dismissing Dey with prejudice. A proposed Order of dismissal is attached.

Dated: April 19, 2010

By /s/ Steve W. Berman
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CERTIFICATE OF SERVICE

I, Steve W. Berman, hereby certify that a true and correct copy of the above document was served on the attorney of record for each party via the Court's electronic filing system this 19th day of April, 2010.

By s/ Steve W. Berman

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